

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14256 of Capitol Datsun, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to establish a parking lot serving the employees and customers of the applicant's business in an R-5-A District at premises 2911 Rhode Island Avenue, N.E., (Square 4310, part of Lot 806).

HEARING DATE: February 27, 1985  
DECISION DATE: April 3, 1985

FINDINGS OF FACT:

1. The subject property is located at the northeast corner of the intersection of Monroe Street and Rhode Island Avenue and is known as premises 2911 Rhode Island Avenue, N.W. The site is split-zoned R-5-A and C-2-A

2. The subject lot is triangular in shape and has approximately 450 feet of frontage along Rhode Island Avenue and 266.65 feet of frontage on Monroe Street.

3. The western portion of the lot is zoned R-5-A and is currently an unimproved grassy area with several mature trees. This portion of the site slopes down from Rhode Island Avenue to Monroe Street for a difference in grade of approximately four feet.

4. The eastern portion of the lot is zoned C-2-A. The commercial portion of the site immediately adjacent to the subject site is improved with a one-story commercial structure and a paved area.

5. The applicant proposes to provide twenty-five parking spaces on the residential portion of the lot to serve customers and employees of Capitol Datsun and its subsidiary companies.

6. A parking lot is permitted in the R-5-A District pursuant to Paragraph 3104.44 of the Zoning Regulations provided that:

- A. All provisions of Article 74 are complied with;
- B. No commercial advertising signs shall be permitted outside any building, except one advertising the

rates as required by the Police Regulations of the District of Columbia;

- C. No dangerous or otherwise objectionable traffic conditions shall result from the establishment of the use, the present character and future development of the neighborhood will not be affected adversely, and the parking lot is reasonably necessary and convenient to other uses in the vicinity; and
- D. Before taking final action on an application, the Board shall submit the application to the District of Columbia Department of Public Works for review and report.

7. The applicant owns and operates a used car sales lot immediately east of the subject site at 2911 Rhode Island Avenue and a new car sales lot to the north across Rhode Island Avenue. Rhode Island Avenue is zoned C-2-A and developed commercially from the subject site to the District line. South and east of the site, Monroe Street is developed with single family dwellings.

8. The proposed parking lot will provide additional parking for customers and employees of the applicant's businesses in the area. The applicant does not expect an increase in the amount of traffic coming to the site. The applicant believes the lot will benefit the neighborhood by providing on-site parking for employees who previously parked on surrounding streets.

9. The hours of operation of the lot will be from 9:00 A.M. to 9:00 P.M., Monday through Friday, and from 9:00 A.M. to 6:00 P.M. on Saturday. The lot will be closed on Sunday.

10. The subject lot will be patrolled by a security guard during the hours it is not in operation.

11. The subject lot will be paved with an all-weather impervious surface. The parking area will be striped and concrete wheel stops will be provided. No signs will be located on the subject lot.

12. The subject lot has two existing curb cuts, one on Rhode Island Avenue and one on Monroe Street. No additional curb cuts are proposed.

13. Lighting will be provided on the subject lot for security purposes. All rays of the lighting will be directed toward the surface of the lot to minimize any effect on neighboring residential properties. There is one existing street light located at the western edge of the site.

14. The applicant testified that residential development of the subject site is not practical due to the small size of the lot, existing commercial uses immediately to the east, and the heavy volume of traffic along Rhode Island Avenue.

15. The applicant submitted a parking plan at the public hearing which depicted all twenty-five parking spaces located along the Rhode Island Avenue frontage, a grassed area at the southeast corner of the site, a four foot high brick wall along the Monroe Street frontage and access via the two existing curb cuts.

16. The Department of Public Works, by memorandum dated February 20, 1985, indicated that the Department was unable to complete its review of the subject case due to insufficient information including a site plan, landscaping and screening, access and circulation. The Board left the record open to receive the comments of the Department of Public Works after its analysis of documents to be submitted by the applicant.

17. A representative of the Chairperson of Advisory Neighborhood Commission 5A appeared at the public hearing and requested the Board to leave the record open to receive the written report of the ANC. The ANC had scheduled and advertised a meeting for the community and applicant to discuss the case during the evening of the date on which the public hearing was held. The Chair ruled that the record would remain open to receive the ANC report.

18. Several residents of nearby properties appeared at the public hearing in opposition to the proposed parking lot. The concerns of the opposition were based on the following:

- A. The site currently is vacant and provides a parklike setting for neighborhood children to play.
- B. There has been damage to the fence of premises 3038 Monroe Street caused by vehicles entering the applicant's garage through the public alley to the east of the site on Monroe Street.
- C. Parking lots are conducive to loitering and drug use at night.
- D. Cars entering or exiting from the Monroe Street curb cut will increase the traffic flow on Monroe Street and increase the dangerous traffic conditions on Monroe Street.

19. In rebuttal, the applicant testified as follows:

- A. A portion of the lot will remain grassed and can remain open for use by the neighbors as a small park or play area.
- B. The garage in question is no longer in use by the applicant.
- C. The parking lot will be patrolled by the applicant's security guard. Therefore, activities such as loitering and drug use would be discouraged.
- D. The Monroe Street curb cut could be closed to eliminate any additional traffic on Monroe Street.

20. The record was left open to permit the applicant ample opportunity to submit to the Board revised plans addressing some of the concerns raised at the public hearing, for the ANC to submit its report and for the Department of Public Works to review and report.

21. The Department of Public Works, by memorandum dated March 18, 1985, indicated that the site plan submitted by the applicant depicted twenty-five parking spaces to serve customers and employees of the applicant's adjoining businesses, sole access to the site via the existing curb cut on Rhode Island Avenue and approximately thirty-nine percent of the site to remain as undisturbed grassland. The DPW had no objection to the proposed parking lot, provided that the applicant provide appropriate landscaping and screening along the Monroe Street frontage.

22. Advisory Neighborhood Commission 5A, by letter dated March 11, 1985, recommended approval of the application based on an agreement reached between the community and the applicant. The agreement commits the applicant to undertake the following:

- A. The applicant will set aside the southeast portion of the site as shown on the applicant's revised plans as a grassy area and retain existing mature trees. The applicant will also contribute up to \$2,000 for improvements in this grassy area in line with the wishes of nearby residents.
- B. The applicant will retain as an open grassy area the triangular portion of lot 806 at the west end of the site, going east approximately eighty feet as shown on the applicant's revised plans.
- C. The applicant will request the appropriate officials of the District of Columbia Government to eliminate the existing curb cut on Monroe Street. The applicant agreed that the only

entrance to the lot will be via the existing curb cut on Rhode Island Avenue.

- D. The applicant will work with the surrounding community to (1) develop a vocational training program in coordination with the DC Public School System for young people to be trained at its facility as automobile mechanics; (2) to financially support a community newsletter; (3) to seek the participation of other commercial enterprises in the area to support community sponsored projects and (4) to offer a scholarship of \$500 per year for four years to the most improved high school student residing in the area of Ward 5 attending a high school located in Ward 5.

23. The Board is required by statute to give "great weight" to the issues and concerns of the Advisory Neighborhood Commission. The Board notes that the conditions agreed to by the applicant in Finding of Fact No. 22 are beyond the scope of the Board's jurisdiction and therefore, cannot be considered as a condition to the Board's order. The Board commends the applicant and the Advisory Neighborhood Commission for their diligent efforts to address the concerns expressed by the residents of the area and reach a mutually satisfactory compromise.

24. Upon review of the revised plan submitted by the applicant marked as Exhibit No. 28A of the record, the Board finds that some minor modifications, as shown on the revised plan marked as Exhibit No. 30 of the record, will provide a more extensive grassed area buffering the paved parking area from the residences on Monroe Street and better site drainage, and still provide the number of parking spaces desired by the applicant.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Finding of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3104.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The lot is reasonably necessary and convenient to the applicant's business operations which it serves. The use of the lot, as herein-after conditioned, will not result in dangerous or otherwise objectionable traffic conditions. There are no commercial advertising signs on the lot. The lot will be in compliance with the requirements of Article 74. The Board concludes that it has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and map and, as hereinafter conditioned, will not tend to adversely affect the use of neighboring property in accordance with said Regulations and map. It is therefore ORDERED that the application is GRANTED, subject to the following CONDITIONS:

- a. Approval shall be limited to operation of the lot as accessory parking for Capitol Datsun, Inc.
- b. The only vehicular access to the facility shall be on Rhode Island Avenue.
- c. The existing driveway on Monroe Street shall not be used for vehicular access.
- d. There shall be no new curb cuts on Rhode Island Avenue.
- e. The parking layout shall be as shown on the revised site plan marked as Exhibit No. 30 of the record.
- f. The applicant shall provide additional landscaping at an approximate cost of \$2,000, in accordance with its agreement with the Advisory Neighborhood Commission 5A.
- g. Wheel stops shall be provided three feet from the end of the four spaces facing Monroe Street.
- h. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- i. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- j. No vehicle or any part thereof shall be permitted to project over any lot or building line or on of over the public space.
- k. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- l. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise


permitted in the zoning district in which the parking lot is located.

- m. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 3-0 (John G. Parsons, William F. McIntosh and Carrie L. Thornhill to grant, Charles R. Norris and Douglas J. Patton not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

5 JUL 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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